

JUL 7 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SY LEE CASTLE,

Plaintiff - Appellant,

v.

M. KNOWLES, Warden; et al.,

Defendants - Appellees.

No. 10-16372

D.C. No. 1:08-cv-01267-JAT

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
James A. Teilborg, District Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN, and FISHER, Circuit Judges.

California state prisoner Sy Lee Castle appeals pro se from the district court's judgment dismissing his action alleging a violation of his rights under Title II of the Americans with Disabilities Act ("ADA"). We have jurisdiction under 28

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1291. We review de novo. *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1061 (9th Cir. 2004). We affirm.

The district court properly dismissed Castle’s action for monetary damages because Castle failed to allege facts demonstrating that defendants were deliberately indifferent to his disability. *See Duvall v. Cnty. of Kitsap*, 260 F.3d 1124, 1138-39 (9th Cir. 2001) (claims for monetary relief under Title II of the ADA require the plaintiff to establish intentional discrimination based on deliberate indifference, namely, “both knowledge that a harm to a federally protected right is substantially likely, and a failure to act upon that . . . likelihood”).

Castle’s remaining contentions are unpersuasive.

AFFIRMED.